

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RANDALL S. AMES,

Plaintiff,

v.

STANLEY ROY AMES, individually
and in his marital community and as
agent for AMES DEVELOPMENT
CORP.; WESLEY BRUCE AMES,
individually and in his marital
community (if applicable); and
MERITA LYNN DYSART,
individually and in her marital
community,

Defendants.

NO: 2:21-CV-0281-TOR

ORDER OF DISMISSAL

Federal Rule of Civil Procedure 4 provides that a summons and complaint must be served upon each defendant within 90 days of filing. Rule 4(m) also governs the procedure that a district court must follow in the event that service is not completed within 90 days:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss

1 the action without prejudice against that defendant or order that service be
2 made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

3 Fed. R. Civ. P. 4(m).

4 Plaintiff filed a Complaint in this case on September 24, 2021. ECF No. 1.
5 No summons was issued, nor was there any further substantive activity in this case.
6 On December 22, 2021, the Court issued an Order requiring Plaintiffs to provide
7 the Court with proof of service of process, summons and complaint, on each of the
8 Defendants, within 14-days of the Order. ECF No. 4. Plaintiff has neither
9 provided proof of service on each Defendant nor shown good cause as to why
10 service has not been accomplished. Plaintiff was advised that absent timely
11 compliance, the case will be dismissed for failure to timely serve and prosecute
12 according to Federal Rules of Civil Procedure 4(m) and 41(b).

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 This case is **DISMISSED without prejudice.**

15 The District Court Executive is hereby directed to enter this Order and
16 judgment accordingly, furnish copies to Plaintiff, and **CLOSE** the file.

17 DATED January 7, 2022.



Thomas O. Rice
THOMAS O. RICE
United States District Judge